

REMARKS

Entry of the foregoing amendments and reconsideration of this application are respectfully requested in view of the following remarks. Claims 1 and 3-20 are currently pending, of which claims 1, 10-12, and 19-20 are independent claims. Applicants respectfully submit that the above Amendments introduce no new matter. Based on the above Amendments and the following Remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding objections and rejections.

The Claims As Amended Overcome Objections

Claim 2 was objected to for reciting “substantially fractal” rather than “fractal.” This objection has been rendered moot by the cancellation of claim 2. Applicants note that claim 1 has been amended to incorporate the subject matter of cancelled dependent claim 2, while omitting the modifier “substantially.”

Rejections Under 35 U.S.C. § 102(b)

Claims 1 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lo et al. *A Study of Non-Uniform Pilot Spacing for PSAM*; IEEE 2000, Proceedings ICC International Conference on Communications, Vol. 1: June 18-22, 2000; pp. 322-325 (“Lo”).

Applicants noted that dependent claim 2, which recited “distributing the pilot symbols in time in a manner substantially fractal in nature” was not rejected over *Lo*, but was only provisionally rejected on the basis of obviousness-type double patenting. Applicants therefore understand that the Examiner considers claim 2 to be patentably distinguish over *Lo*. Accordingly, Applicants have amended claims 1 and 10 to recite that the pilot symbols are distributed (claim 1) or spaced (claim 10) in time “in a manner fractal in nature.” Applicants therefore respectfully submit that amended independent claims 1 and 10 (and claims 3-9 dependent from claim 1) are allowable, and request that the rejection of claims 1 and 10 under 35 U.S.C. § 102(b) be withdrawn.

Allowed Claims

Applicants appreciate the indication that claims 11-20 are allowed over the prior art of record, and that claims 3-9 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

Double Patenting Rejection

Claims 1 and 2 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of copending Application No. 11/913,871.

The rejection of claim 2 is rendered moot by the cancellation of the claim.

Without acquiescing to the propriety of this rejection with respect to claim 1, Applicants note that the outstanding double patenting rejection is provisional and is made over a later filed application. Since Applicants believe the amendments and arguments in this response overcome all other rejections, it would be appropriate for the Examiner to withdraw the provisional rejection and allow the instant application. MPEP 804(I)(B)(1). Applicants are prepared to address the provisional double patenting rejection if Application No. 11/913,871 issues as a patent prior to issuance of the instant application, in which event the Examiner could properly remove the provisional aspect of the double patenting rejection.

CONCLUSION

All of the stated grounds of rejection and objection have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding objections and rejections. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this application is respectfully requested.

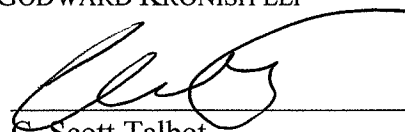
Prompt and favorable consideration of this Amendment is respectfully requested.

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